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NOT FOR CITATION  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re SUBPOENA ISSUED TO CHRIS  
BEALL FOR DEPOSITION AND  
PRODUCTION OF DOCUMENTS

Case No. 5:13-cv-80284MISC EJD (HRL)

**ORDER TERMINATING MOTIONS**

[Re: Dkt. No. 1, 12]

Both sides have filed motions before this court concerning subpoenas served by defendants for documents and a deposition of nonparty Chris Beall.<sup>1</sup> Plaintiffs argue that defendants cannot seek any post-judgment discovery and point out that the Nevada Court denied defendants' two prior requests for leave to depose Beall. Defendants contend that the requested documents and deposition are entirely proper because the information is sought in connection with a sanctions motion they intend to file in the Nevada Court pursuant to 28 U.S.C. § 1927. But, even defendants acknowledge that § 1927 motions typically are made on the existing record, and they say that there already is ample evidence to support their intended motion. So, although defendants' motion is not yet fully briefed, both side's motions will be terminated pending a determination by the


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<sup>1</sup> Defendants caused the subpoenas to be issued from this court pursuant to Fed. R. Civ. P. 45 prior to the date the 2013 amendments to that rule took effect. The current rule provides that "[a] subpoena must issue from the court where the action is pending." Fed. R. Civ. P. 45(a)(2).

1 Nevada Court whether Beall's deposition is necessary or appropriate in connection with  
2 defendants' anticipated motion for sanctions under 28 U.S.C. § 1927.<sup>2</sup>

3 **SO ORDERED.**

4 Dated: July 17, 2014

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7 HOWARD R. LLOYD  
8 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>2</sup> Additionally, the parties are advised that the undersigned does not entertain noticed discovery motions. Any discovery matters brought here must be filed in compliance with this court's Standing Order re Civil Discovery Disputes.

United States District Court  
Northern District of California

1 5:13-mc-80284-EJD Notice has been electronically mailed to:

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